

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION
THIS DOCUMENT RELATES TO:  All Actions

MDL No. 2419  
Master Dkt. 1:13-md-02419-FDS

**PLAINTIFFS' STEERING COMMITTEE'S  
MOTION FOR ENTRY OF CASE MANAGEMENT ORDER ESTABLISHING  
ASSESSMENT PROCEDURES TO FUND COMMON BENEFIT ACCOUNT**

The Plaintiffs' Steering Committee ("PSC") respectfully submits this motion for entry of an order establishing procedures to fund a common benefit account via a percentage assessment of 8% to be held back from every recovery by plaintiffs in MDL No. 2419 and Participating Parties<sup>1</sup> in non-MDL cases. Along with this motion, the PSC also submits a contemporaneously filed memorandum of law in support of this motion and a proposed order.

As set forth more fully in the memorandum, the PSC is mindful that the recovery in this MDL might be modest in light of the gravity of the harm suffered by claimants, and the PSC is likewise mindful that any corresponding small percentage of that recovery going to compensate attorneys must also be modest.

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<sup>1</sup> Participating Parties are those that have entered into the Participation Agreement that is attached as Exhibit A to the proposed Order filed concurrently with this motion.

Dated: January 17, 2014

Respectfully submitted,

**/s/ Thomas M. Sobol**

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*Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: January 17, 2014

**/s/ Thomas M. Sobol**

Thomas M. Sobol, BBO # 471770